

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-254-E - ORDER NO. 2008-856

JANUARY 8, 2009

IN RE: Complaint of Autherine Tucker on Behalf of Hope Tucker v. Duke Energy Carolinas, LLC))))))	ORDER GRANTING CONFIDENTIAL TREATMENT AND DISMISSING COMPLAINT
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This matter originally came before the Public Service Commission of South Carolina ("Commission") by way of a Complaint filed by Autherine Tucker, on behalf of Hope Tucker (collectively "Tucker") against Duke Energy Carolinas, LLC ("Duke"), disputing her past arrearages, deposit, disconnection of service, and reconnect fee. Duke responded by providing two exhibits¹ and an affidavit prepared by Barbara G. Yarbrough, Rates Director of Duke, that show Hope Tucker's account was in arrears for every month of the last twenty-four months, and during these twenty-four months, a payment was only received for eight of the last twenty-four billing periods. Duke requests that Tucker's Complaint be dismissed and requests that the exhibits of her payment history and account record along with Exhibit A of the Affidavit of Barbara Yarbrough be held as confidential. All three exhibits were marked "Confidential" and filed under seal.

Since the exhibits for which Duke seeks confidential treatment contain personal information of Hope Tucker, we find that they meet the requirements of confidential

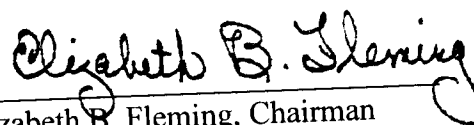
¹ These two exhibits are Exhibit 1 and Exhibit 2 of Duke's September 8, 2008 filing titled "Response to Motion to Stay Dismissal of the Complaint of Hope Tucker and Request for Confidential Treatment." Exhibit 1 is Hope Tucker's billing and payment history. Exhibit 2 is Hope Tucker's account record.

information under the South Carolina Freedom of Information Act, S.C. Code Ann. Section 30-4-40(a)(2). Additionally, we find that Tucker's December 1, 2008 reply to Duke's Motion to Dismiss, titled "Response to Motion to Stay Dismissal," is unpersuasive. The Affidavit of Barbara G. Yarbrough verified the factual assertions made by Duke's Motion to Dismiss, including Hope Tucker's payment history, and Tucker's Return to the Motion to Dismiss is insufficient to overcome the facts presented by Duke.

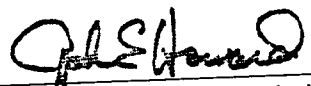
IT IS THEREFORE ORDERED:

1. Exhibit 1 and Exhibit 2 of Duke's September 8, 2008 filing titled "Response to Motion to Stay Dismissal of the Complaint of Hope Tucker and Request for Confidential Treatment" along with Exhibit A of the Affidavit of Barbara G. Yarbrough contain personal financial information of Hope Tucker and are confidential.
2. Duke's Motion to Dismiss is granted.
3. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)